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LAW OFFICE OF PATRICK U. SMATHERS, P.A. 118 Main Street, Suite B

PATRICK U. SMATHERS Attorney at Law 118 Main Street, Suite B Telephone: (828) 648-8240
Canton, North Carolina 28716 Facsimile: (828) 648-3869

October 29, 2008

Jeff. S. Jordan
General Counsel's Office
Federal Election Commission
999 E Street
NW Washington D.C. 20463

FEDERAL CLECTION
CONTINUE
OFFICE OF CENERAL
COUNSEL

RE: Larry E. O'Dell, Frank Eaton, Bully Documentary Inc.; Complaint MUR #6091

Dear Mr. Jordan:

Please be advised that I represent Frank Eaton in regard to the complaint filed against him and his company Bully Documentary on September 26, 2008. A Statement of Designation of Counsel has been faxed to your office. Though the Federal Election Commission issued the complaint to Larry E. O'Dell, Frank Eaton will be answering the complaint for Mr. O'Dell, Bully Documentary, and himself. Mr. Eaton is the owner and operator of Bully Documentary Incorporated and Mr. O'Dell serves only as the accountant and corporate processing agent for Bully Documentary. Furthermore, Mr. Eaton is responsible for the actions complained of, not Mr. O'Dell, A letter from Mr. O'Dell explaining his position is attached.

In the winter of 2008, Mr. Eaton personally volunteered his time to create several, short, internet and TV spots for the Roy Carter for Congress campaign. These spots were created during his free time at no cost to Mr. Eaton, Bully Documentary, or the Carter campaign.

It was also Mr. Eaton's understanding that these volunteer hours would be reported as an "in kind" donation by the Carter Campaign. Mr. Eaton has not and does not plan to report any losses against any of his personal or business assets relating to these volunteer activities. It is also Mr. Eaton's understanding that the Carter campaign has rectified the situation and that all campaign reports are accurate and reflect the in-kind services provided by Mr. Eaton. A copy of a campaign report detailing the in-kind donations of Mr. Eaton is attached.

Mr. Eaton's understanding is that YouTube is a free and public service. The Carter for Congress spots that he posted conformed to YouTube's rules and regulations, and do not constitute a business expense for Bully Documentary or a personal expense to Mr. Eaton. The use of the name "The Bully Documentary Co." on the public YouTube web page was merely colloquial, since ownership of the web address and online storage of all content is reserved by YouTube Inc.

Jeff S. Jordan Page 2 October 29, 2008

It is the wish of Mr. Eaton, based up the information provided and the documents attached, that the complaint against him, Mr. O'Dell, and Bully Documentary be dismissed and that his actions be deemed to not have violated the Federal Election Campaign Act of 1971.

If you have any questions, please feel free to contact me.

With best wishes, I am,

Patrick U. Smathers

PUS: zls

Enclosures

FEC FORM 3

REPORT OF RECEIPTS AND DISBURSEMENTS

For An Authorized Committee

COMMITTEE (in full) ROY CARTER FOR CONGRESS COMMITTEE Appress (number and sever) ROY CARTER FOR CONGRESS COMMITTEE Check it different Proposed (ACC) QLENDALE SPRINGS STATEA STATEA ZIP CODE A STATE V DISTRICT (N) OR AMENDED (A) 12-Day PRIE-Election Report for the: Prinsey (12P) X General (12G) Convertion (12C) Byeckel (128) Jenuary 31 Year-End Report (VE) (b) 12-Day PRIE-Election Report for the: Prinsey (12P) X General (12G) Convertion (12C) Byeckel (128) Jenuary 31 Year-End Report (VE) (c) 30-Day POST-Baction Report for the: General (30G) Runoff (30R) Special (30S) In the State of State of Tressurer Significant and to the bast of my knowledge and balled it is inus, correct and complete. Type or Print Name of Tressurer Significant of these, errorsouls, or incomplete information may subject the person signing the Report to		FOT ALL A	Maio Mar Comin			Offic	te Use Only		
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Termination Report (TER) Election on State of State o	January 31 Year-E	nd Report (YE)	(c) 30-Day POS	T-Election Repo	t for the:		,		
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SUMMARY PAGE

of Receipts and Disbursements

FEC Form 3 (Revised 02/2003)									Page 2	
Write or Type Committee Name										
ROY CARTER FOR CONGRESS COMM	TEE									
Report Covering the Period: From:	M M	01	4	2008 [°]		To:	M M	0 0	Y Y Y	, 8 0
				UMN A Period		.1.	Electi	COLUMN on Cycle-t	_	
. Net Contributions (other then loans)										
(a) Taiel Contributions (other than loans) (from Line 11(a))				184	35.00				210470	.86
(b) Total Contribution Refunds (from Line 20(d))					11.00				936	.00
(c) Net Contributions (other than loans) (subtract Line 8(b) from Line 8(a))	*****			184	24.00				209534	.86
. Net Operating Expenditures										
(a) Total Operating Expenditures (from Line 17)	•			185	55.28				177808	.78
(b) Total Offsets to Operating Expanditures (from Line 14)	140				0.00				0	.00
(c) Net Operating Expenditures (subtract Line 7(b) from Line 7(a))	••••			185	i55.28				177606	.76
Cash on Hand at Close of Reporting Period (from Line 27)				318	28.10					
). Debte and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D)	<u> </u>				0.00					
Debts and Obligations Owed BY the Committee (itemize all on Schedule C und/or Schedule D)					0.00					
	For	further i	inform	nation co	ntact:					
	F	999	E Stre	n Commin et, NW DC 2046	-					

Toli Free 800-424-9530 Local 202-894-1100

FESAND18

Image# 2002572614

DETAILED SUMMARY PAGE of Receipts

		FEC Form 3 (Revised	12/2003)								Page 3
		or Type Committee Name CARTER FOR CONG		MMITTEE		<u> </u>					
Re	sport	Covering the Period:	From:	M M	⁰ 01	Y Y	Ď o Š	To:	10 M	D D 15	Y Y Y 200
		L RECEIPTS				COLUMN tal This I			Electi	COLUMN ion Cycle-t	
j.	CO	NTRIBUTIONS (other the	n Ioans) FR	DM:							
	(a)	Individuale/Persons Othe Political Committees (I) Nemized (use Sched		****			8735.00				113509.26
		(ii) Uniternized	-				5950.00				78466.60
		(iii) TOTAL of contribution from Individuals		- ▶			14685.00				191975.86
	₩	Political Party Committee					1250.00				7600.00
		Other Political Committee (such as PACS)					2500.00				10695.00
		The Candidate TOTAL CONTRIBUTION		•			0.00				200.00
		(other than loans) (add Lines 11(a)(iii), (b),	(c), and (d))				18435.00				210470.86
		ANSFERS FROM OTHEI THORIZED COMMITTEE					0.00				0.00
L	עסו	ANS									
	(a)	Made or Guaranteed by Candidate					0.00				0.00
	(b)	All Other Loans					0.00				0.00
		TOTAL LOANS (add Lines 13(a) and (b)		•		· ·· ···	0.00	-			0.00
L,	ĐŒ	FSETS TO OPERATING PENDITURES Aundo, Robatos, etc.)					0.00				0.00
i.		HER RECEIPTS Adands, Interest, etc.)	-00010 0 00000 00000 00000 0000	<u> </u>		~	0.00		•		0.00
L.	11(0	TAL, PECENTS (add Lines), 12, 13(c), 14, and 15) my Total to Line 24, page (15	— ▶ !	regular e serve		18435.00	:			210470.86

knaga# 20002572615

DETAILED SUMMARY PAGE

of Disbursements

FEC Form 3 (Revised 02/2003)		Of Dispursements	Page 4		
	II. DISBURSEMENTS	COLUMN A Total This Period	COLUMN B Election Cycle-to-Date		
17.	OPERATING EXPENDITURES	1 8555.28	177608.76		
18.	TRANSFERS TO OTHER AUTHORIZED COMMITTEES	0.00	0.00		
19.	LOAN REPAYMENTS:				
	(a) Of Loans Made or Guaranteed by the Candidate	0.00	0.00		
	(b) Of all Other Leans	0.00	0.00		
	(a) TOTAL LOAN REPAYMENTS	0.00	0.00		
	(add Lines 19(a) and (b))	5.55	3.33		
20.	REFUNDS OF CONTRIBUTIONS TO: (a) Individuals/Persons Other Then Political Committees	11.00	286.00		
	(b) Political Party Committees	0.00	650.00		
	(c) Other Political Committees (such as PACe)	0.00	0.00		
	(d) TOTAL CONTRIBUTION REFUNDS (add Lines 20(a), (b), and (c))	11.00	936.00		
21.	OTHER DISBURSEMENTS	0.00	0.00		
22,	TOTAL DISSURSEMENTS (add Lines 17, 18, 19(c), 20(d), and 21)	18 566.28	178542.76		
	E. CASH SU	MMARY			
23.	CASH ON HAND AT BEGINNING OF REPORT	TING PERIOD	32059.38		
	TOTAL RECEIPTS THIS PERIOD (from Line 1)	5, page3)	18435.00		
24.	TOTAL RECEIPTS THIS PERIOD (from Line 1)		18435.00 50494.38		
24. 25.	·	120->	4		

Image# 20002672620

	SCHEDULE A (FEC Form 3)	Use separate achedule(s)	FOR LINE NUMBER: PAGE 9/27						
	ITEMIZED RECEIPTS	for each category of the Datalled Summary Page	(check only one) X 11a						
	Any information copied from such Reports and St or for commercial purposes, other than using the								
	NAME OF COMMITTEE (In Full)								
	<u></u>	ROY CARTER FOR CONGRESS COMMITTEE							
A	Full Name (Last, First, Middle Initial) Mr. Frank Ealon	Date of Receipt							
	Melling Address 211 East 3rd St		10 14 2008						
	City	State Zip Code	Transaction ID: SA11Al.8850						
	Winston-Salem	NC <u>27101</u>	Amount of Each Receipt this Period						
	FEC ID number of contributing federal political committee.	C	1500.00						
	Name of Employer Film Product Services	Occupation	In-kind - Commercial Shoot Production						
	Film Product Sérvices	Owner/Producer	Limit increased Due to Opponent's						
	Receipt For: 2006	Election Cycle-to-Date W	Spending (2 U.S.C. 441a(I)/441a-1)						
	Primary X General	1500.00							
	Other (specify) 🗣								
B.	Full Name (Lest, First, Middle Initial) George Roy Elmore	Date of Receipt M. M. / D. D. / Y. Y. Y. Y. 10 14 2008							
	Maling Address 265 Walter Drive								
	City	State Zip Code	Transaction ID: SA11AI.8828						
	West Jefferson	NC 28694	Amount of Each Receipt this Period						
	FEC ID number of contributing federal political committee.	.C	150.00						
	Name of Employer None	Occupation	- Contribution						
	None	Retired	Limit increased Due to Opponent's						
	Receipt For: 2008	Election Cycle-to-Date V	Spanding (2 U.S.C. 441a(I)/441a-1)						
	Primary X General	950.00	: 🖡						
	Other (apacity) 🐨								
C.	Full Name (Last, First, Middle Initial) Rosslyn 8. Fishing		Date of Receipt						
	Mailing Address 144 North Forke Drive		. M M / b D / Y Y Y Y Y Y Y 10 14 2008						
	City	State Zip Code	Transaction ID: SA11AI.8829						
	Advance	NC 27008	Amount of Each Receipt this Period						
	FEC ID number of contributing federal political committee.	C	75.00						
	Name of Employer	Contribution							
	nane	Occupation Homemaker	F : Limit incressed Due to Opponent's						
	Receipt For: 2008	Election Cycle-to-Date 🔻	Spending (2 U.S.C. 441a(f)/441a-1)						
	: Primary X General (Other (specify) •	425.00							
	SUBTOTAL of Receipts This Page (optional)		1725.00						
	TOTAL This Period (last page this line number	(III)) is the second of the second						